

AMENDED IN SENATE JULY 15, 1999  
AMENDED IN SENATE JUNE 23, 1999  
AMENDED IN ASSEMBLY MAY 28, 1999  
AMENDED IN ASSEMBLY MARCH 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 243**

**Introduced by Assembly Member Wildman**

February 1, 1999

---

---

An act to amend Section 1810.7 of the Insurance Code, and to add and repeal Article 5.5 (commencing with Section 1299) to Chapter 1 of Title 10 of Part 2 of the Penal Code, relating to bail enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 243, as amended, Wildman. Bail fugitive recovery persons.

Existing law regulating the issuance of bail bonds requires any person advertising or engaging in the business of executing, delivering, or furnishing bail bonds to hold a bail agent's license, a bail permittee's license, or a bail solicitor's license, as specified, issued by the Insurance Commissioner.

This bill would provide for the regulation of bail fugitive recovery persons, defined as a person given written authorization by a bail or depositor of bail and contracted to investigate, surveil, locate, and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to

investigate, surveil, locate, and arrest a bail fugitive. This bill would require that bail fugitive recovery persons be at least 18 years of age and complete 2 power of arrest courses, as specified. This bill would require that a person authorized to apprehend a bail fugitive notify local law enforcement of their intent to apprehend a bail fugitive no more than 6 hours prior to attempting to apprehend a bail fugitive, except as specified. This bill would prohibit a person authorized to apprehend a bail fugitive from forcibly entering premises unless positive identification of the bail fugitive has been made, or where reasonable grounds or probable cause that the bail fugitive is present has been established, and after having demanded admittance and explained the purpose for which admittance is desired. The bill would require any person authorized to apprehend a bail fugitive to carry a certification of completion of required courses and training programs.

Because this bill states that any person who is not in compliance with, or who violates, these provisions is guilty of a misdemeanor punishable, as specified, this bill would create a new crime, thereby imposing a state-mandated local program.

The bill would make related changes. It would also declare that it shall remain in effect only until January 1, 2005, unless a later enacted statute deletes or extends that date.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1810.7 of the Insurance Code is  
2 amended to read:  
3 1810.7. (a) In order to be eligible to take the  
4 examination required to be licensed under this chapter,  
5 the applicant shall have completed not less than 12 hours



1 of classroom education in subjects pertinent to the duties  
2 and responsibilities of a bail licensee, including, but not  
3 limited to, all laws and regulations related thereto, rights  
4 of the accused, ethics, and apprehension of bail fugitives.  
5 Additionally, a licensee shall complete annually not less  
6 than six hours of continuing classroom education in these  
7 subjects prior to renewal of his or her license. This  
8 continuing education requirement shall not include a  
9 written examination.

10 (b) The commissioner shall biennially approve or  
11 disapprove one or more statewide professional  
12 organizations or other providers familiar with bail law to  
13 provide education for licensure as required by this  
14 section. The commissioner may, at any time, disapprove  
15 any provider who is not qualified or whose course outlines  
16 are not approved, who is not of good business reputation,  
17 or who is lacking in integrity, honesty, or competency.  
18 The commissioner shall biennially approve or disapprove  
19 the course outlines and schedule of classes to be provided.

20 (c) The statewide professional organization or other  
21 providers responsible for providing education for  
22 licensure under this chapter shall consult with the  
23 California State Sheriffs' Association, the California  
24 District Attorneys Association, the California Advisory  
25 Board of Surety Agents, and the California Bail Agents  
26 Association, prior to submission of the course outlines for  
27 approval by the commissioner. The bail license fee shall  
28 be increased, the amount of which shall be determined by  
29 the commissioner, which shall be deposited in the  
30 Insurance Fund for the purposes of recovering the  
31 administrative costs for meeting the conditions and  
32 purposes of this section. Providers of education or  
33 continuing education shall offer courses to all applicants  
34 at the same course fees.

35 (d) Any person who falsely represents to the  
36 commissioner that compliance with this section has been  
37 met shall be subject, after notice and hearing, to the  
38 penalties and fines set out in Section 1814.

39 (e) A licensee shall not be required to comply with the  
40 continuing education requirements of this section if the

1 licensee submits proof satisfactory to the commissioner  
2 that he or she has been a licensee in good standing for 30  
3 continuous years in this state and is 70 years of age or  
4 older.

5 (f) The commissioner may make reasonable rules and  
6 regulations necessary, advisable, and convenient for the  
7 administration and enforcement of this chapter.

8 SEC. 2. Article 5.5 (commencing with Section 1299)  
9 is added to Chapter 1 of Title 10 of Part 2 of the Penal  
10 Code, to read:

11  
12 Article 5.5. Bail Fugitive Recovery Persons Act  
13

14 1299. This article shall be known as the Bail Fugitive  
15 Recovery Persons Act.

16 1299.01. For purposes of this article, the following  
17 terms shall have the following meanings:

18 (a) “Bail fugitive” means a defendant in a pending  
19 criminal case who has been released from custody under  
20 a financially secured appearance, cash, or other bond and  
21 has had that bond declared forfeited, or a defendant in a  
22 pending criminal case who has violated a bond condition  
23 whereby apprehension and reincarceration are  
24 permitted.

25 (b) “Bail” means a person licensed by the Department  
26 of Insurance pursuant to Section 1800 of the Insurance  
27 Code.

28 (c) “Depositor of bail” means a person or entity who  
29 has deposited money or bonds to secure the release of a  
30 person charged with a crime or offense.

31 (d) “Bail fugitive recovery person” means a person  
32 who is provided written authorization pursuant to  
33 Sections 1300 and 1301 by the bail or depositor of bail, and  
34 is contracted to investigate, surveil, locate, and arrest a  
35 bail fugitive for surrender to the appropriate court, jail,  
36 or police department, and any person who is employed to  
37 assist a bail or depositor of bail to investigate, surveil,  
38 locate, and arrest a bail fugitive for surrender to the  
39 appropriate court, jail, or police department.



1 1299.02. (a) No person, other than a certified law  
2 enforcement officer, shall be authorized to apprehend,  
3 detain, or arrest a bail fugitive unless that person meets  
4 one of the following conditions:

5 (1) Is a bail as defined in subdivision (b) of Section  
6 1299.01 or a depositor of bail as defined in subdivision (c)  
7 of Section 1299.01.

8 (2) Is a bail fugitive recovery person as defined in  
9 subdivision (d) of Section 1299.01.

10 (3) Holds a bail license issued by a state other than  
11 California or is authorized by another state to transact  
12 and post bail and is in compliance with the provisions of  
13 Section 847.5 with respect to the arrest of a bail fugitive.

14 (4) Is licensed as a private investigator as provided in  
15 Chapter 11.3 (commencing with Section 7512) of  
16 Division 3 of the Business and Professions Code.

17 (5) Holds a private investigator license issued by  
18 another state, is authorized by the bail or depositor of bail  
19 to apprehend a bail fugitive, and is in compliance with the  
20 provisions of Section 847.5 with respect to the arrest of a  
21 bail fugitive.

22 (b) This article shall not prohibit an arrest pursuant to  
23 Sections 837, 838, and 839.

24 1299.04. (a) A bail fugitive recovery person, a bail  
25 agent, bail permittee, or bail solicitor who contracts his or  
26 her services to another bail agent or surety as a bail  
27 fugitive recovery person for the purposes specified in  
28 subdivision (d) of Section 1299.01, and any bail agent, bail  
29 permittee, or bail solicitor who obtains licensing after  
30 January 1, 2000, and who engages in the arrest of a  
31 defendant pursuant to Section 1301 shall comply with the  
32 following requirements:

33 (1) The person shall be at least 18 years of age.

34 (2) The person shall have completed a 40-hour power  
35 of arrest course certified by the Commission on Peace  
36 Officer Standards and Training pursuant to Section 832.  
37 Completion of the course shall be for educational  
38 purposes only and not intended to confer the power of  
39 arrest of a peace officer or public officer, or agent of any

1 federal, state, or local government, unless the person is so  
2 employed by a governmental agency.

3 (3) The person shall have completed a minimum of 12  
4 hours of classroom education certified pursuant to  
5 Section 1810.7 of the Insurance Code.

6 (4) The person shall have completed a course of  
7 training in the exercise of the power to arrest offered  
8 pursuant to Section 7583.7 of the *Business and Professions*  
9 *Code*.

10 (5) The person shall not have been convicted of a  
11 felony.

12 (b) Upon completion of any course or training  
13 program required by this section, an individual  
14 authorized by Section 1299.02 to apprehend a bail fugitive  
15 shall ~~shall~~ carry certificates of completion with him or her  
16 at all times in the course of performing his or her duties  
17 under this article.

18 1299.05. In performing a bail fugitive apprehension,  
19 an individual authorized by Section 1299.02 to apprehend  
20 a bail fugitive shall comply with all laws applicable to that  
21 apprehension.

22 1299.06. Before apprehending a bail fugitive, an  
23 individual authorized by Section 1299.02 to apprehend a  
24 bail fugitive shall have in his or her possession proper  
25 documentation of authority to apprehend issued by the  
26 bail or depositor of bail as prescribed in Sections 1300 and  
27 1301. The authority to apprehend document shall include  
28 all of the following information: the name of the  
29 individual authorized by Section 1299.02 to apprehend a  
30 bail fugitive and any fictitious name, if applicable; the  
31 address of the principal office of the individual authorized  
32 by Section 1299.02 to apprehend a bail fugitive; and the  
33 name and principal business address of the bail agency,  
34 surety company, or other party contracting with the  
35 individual authorized by Section 1299.02 to apprehend a  
36 bail fugitive.

37 1299.07. (a) An individual authorized by Section  
38 1299.02 to apprehend a bail fugitive shall not represent  
39 himself or herself in any manner as being a sworn law  
40 enforcement officer.



(b) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not wear any uniform that represents himself or herself as belonging to any part or department of a federal, state, or local government. Any uniform shall not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.

(c) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not wear or otherwise use a badge that represents himself or herself as belonging to any part or department of the federal, state, or local government.

(d) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not use a fictitious name that represents himself or herself as belonging to any federal, state, or local government.

1299.08. (a) Except under exigent circumstances, an individual authorized by Section 1299.02 to apprehend a bail fugitive shall, prior to and no more than six hours before attempting to apprehend the bail fugitive, notify the local police department or sheriff's department of the intent to apprehend a bail fugitive in that jurisdiction by:

(1) Indicating the name of an individual authorized by Section 1299.02 to apprehend a bail fugitive entering the jurisdiction.

(2) Stating the approximate time an individual authorized by Section 1299.02 to apprehend a bail fugitive will be entering the jurisdiction and the approximate length of the stay.

(3) Stating the name and approximate location of the bail fugitive.

(b) If an exigent circumstance does arise and prior notification is not given as provided in subdivision (a), an individual authorized by Section 1299.02 to apprehend a bail fugitive shall notify the local police department or sheriff's department immediately after the apprehension, and upon request of the local jurisdiction, shall submit a detailed explanation of those exigent

1 circumstances within three working days after the  
2 apprehension is made.

3 (c) This section shall not preclude an individual  
4 authorized by Section 1299.02 to apprehend a bail fugitive  
5 from making or attempting to make a lawful arrest of a  
6 bail fugitive on bond pursuant to Section 1300 or 1301. The  
7 fact that a bench warrant is not located or entered into a  
8 warrant depository or system shall not affect a lawful  
9 arrest of the bail fugitive.

10 (d) For the purposes of this section, notice may be  
11 provided to a local law enforcement agency by telephone  
12 prior to the arrest or, after the arrest has taken place, if  
13 exigent circumstances exist. In that case the name or  
14 operator number of the employee receiving the notice  
15 information shall be obtained and retained by the bail,  
16 depositor of bail, or bail fugitive recovery person.

17 1299.09. (a) An individual authorized by Section  
18 1299.02 to apprehend a bail fugitive shall not forcibly  
19 enter a premises unless positive identification of the bail  
20 fugitive has been made, or where reasonable grounds or  
21 probable cause that the bail fugitive is present has been  
22 established, and after having demanded admittance and  
23 explained the purpose for which the admittance is  
24 desired, as provided for in Section 844. For purposes of  
25 this subdivision, an arrest made pursuant to Section 1301  
26 shall be deemed to be a felony arrest for the return of the  
27 defendant to the jurisdiction of the court.

28 (b) Nothing in subdivision (a) shall be deemed to  
29 authorize an individual authorized by Section 12099.02 to  
30 apprehend a bail fugitive to apprehend, detain, or arrest  
31 any person except as otherwise authorized pursuant to  
32 Chapter 5 (commencing with Section 833) of Title 3 of  
33 Part 2, or any other provision of law.

34 1299.10. ~~an~~ An individual authorized by Section  
35 1299.02 to apprehend a bail fugitive shall not carry a  
36 firearm or other weapon unless in compliance with the  
37 laws of the state.

38 1299.11. Any person who violates this act, or who  
39 conspires with another person to violate this act, or  
40 ~~knowingly hires an individual not authorized by Section~~



1 ~~1299.02 to apprehend a bail fugitive, is guilty of a who~~  
2 ~~hires an individual to apprehend a bail fugitive, knowing~~  
3 ~~that the individual is not authorized by Section 1299.02 to~~  
4 ~~apprehend a bail fugitive, is guilty of a~~ misdemeanor  
5 punishable by a fine of five thousand dollars (\$5,000) or  
6 by imprisonment in the county jail not to exceed one year,  
7 or by both that imprisonment and fine.

8 1299.12. This article shall remain in effect only until  
9 January 1, 2005, and as of that date is repealed, unless a  
10 later enacted statute, that is enacted before January 1,  
11 2005, deletes or extends that date.

12 1299.13. Nothing in this article is intended to exempt  
13 from licensure persons otherwise required to be licensed  
14 as private investigators pursuant to Chapter 11.3  
15 (commencing with Section 7512) of Division 3 of the  
16 Business and Professions Code.

17 SEC. 3. No reimbursement is required by this act  
18 pursuant to Section 6 of Article XIII B of the California  
19 Constitution because the only costs that may be incurred  
20 by a local agency or school district will be incurred  
21 because this act creates a new crime or infraction,  
22 eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section  
24 17556 of the Government Code, or changes the definition  
25 of a crime within the meaning of Section 6 of Article  
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government  
28 Code, unless otherwise specified, the provisions of this act  
29 shall become operative on the same date that the act  
30 takes effect pursuant to the California Constitution.